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07/26/2004

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EXAMINER

SMITH, TRACI L

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,631

Applicant(s)

SANDERS, DAVID D.

Examiner

Traci L Smith

Art Unit

3629

114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a first action in response to papers filed on March 30, 2001. Claims 1-20 are pending.
2. IDS filed March 30, 2001 has been entered and references have been considered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-7, 9-10, 16-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,047,264 Fisher et al.
3. As to claims 1 and 16. ***Fisher teaches:***
 - a. *Receiving order data from customer about item ordered [(Col. 3 line. 10-13 & Claim 1 step a) or (C.3 I.10-)]*
 - b. *Automatically generating confirmation message using order data(C. 3 I. 27-29)*
 - c. *Receives updated data on ordered item(C. 3. I. 12-14)*
 - d. *automatically transmitting message across network.(C 3. I 64-5)*

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Although the reference fails to teach the use of Graphical user interface but teaches all other aspects it is deemed unnecessary as graphical user interface is inherent to a computer system

As to step (d) in claim 16 sends an electronic mail message confirmation. (C. 3. I. 25-31)

4. As to claim 2,
5. (e) receives account data across a network (C. 3. I. 7-8 & 25-30).
6. (f) automatically generating confirmation message about account data.(C. 3 I. 27-31)
7. As to claim 7,
 - a. *Receiving order data from customer about item ordered(C. 3 I. 10-13& Claim 1 step a)*
 - b. *Automatically generating confirmation message using order data(C. 3 I. 27-29)*
 - c. *Receives updated data on ordered item(C. 3. I. 12-14)*
 - d. *automatically transmitting message across network.(C 3. I 64-5)*
8. Although the reference fails to teach the use of Graphical user interface but teaches all other aspects it is deemed unnecessary as graphical user interface is inherent to a computer system.
9. As to claim 6. (a) receiving data indicating receipt of item. (C. 2 I. 26-27)
10. As to claim 9 flagging item when it has been recieved. (C.2 I.18-19 & I. 26-27)
11. As to claim 10, automatic email confirmation sent when flagged. (C. 3. I.63-65)

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12. As to claim 17, automatic email confirmation sent when flagged. (C. 3 I.63-65)

All though the reference fails to teach Graphically user interface it is deemed inherent in a computer system and not required in the reference.

13. As to claim 20, flag receipt data. (C. 3. I. 22-23)

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3-5,11-15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher as applied to claim1, 6-9, 16 and 20 above, and further in view of US Patent 6,4693,420 B1 Guidice et al.

16. As to claim 3 and 14, Fisher fails to teach what data generates the confirmation messages. Guidice teaches emailing a confirmation using customer data, order data and update data. (Sheet 2 Fig. 2 Ref 200, 208, 214, 236 and 240)

17. As to claim 4, the system sends a message notifying the customer when the order is initially sent.(C. 2 I. 18-21). It is inherent that for an **order confirmation** to be sent that it comprises order data and the individual order the data their account information, so as to clearly convey the message being sent.

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18. As to claim 5 and 15, Fisher fails to teach what data generates the confirmation messages. Guidice teaches emailing an confirmation using customer data, order data and update data. (Sheet 2 Fig. 2 Ref 200, 208, 214, 236 and 240)

19. As to claims 13 and 18, Fisher fails to teaches a method for accessing an account; Guidice teaches that the customer accesses a webpage via the network...a unique username and password. (C. 6 I. 43-47) It would have been obvious to modify Fisher by Guidice so as to be able to identify the customer and match their information up with their orders.

20. As to claim 11, Fisher fails to teach an input screen with options for order data; Guidice teaches an entry order page presents the user with an option of using previously entered order templates. (C. 3. I. 60-62) It would have been obvious to modify Fisher by Guidice to include order options to input to make a more efficient process for the customer.

21. As to claim 12, Fisher fails to teach a method for updated information; Guidice teaches that a server causes order information to be populated from the template...the customer is allowed to modify the order information, where in modify is interpreted to include update.(C. 4 I. 9-11) It would have been obvious to modify Fisher by Guidice to include a method to update information so as to keep data current on the customers file.

22. As to claim 19, Fisher fails to teach a method for providing options of order data input; Guidice teaches that the order template would preferably include information material ...part number, product ID...shipping address. (C. 3. I. 59-61) It would have

been obvious to modify Fisher by Guidice to include order options to input to make a more efficient process for the customer.

23.

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher and Guidice as applied to claim 3-5, 8, 11-15 and 18-19 above, and further in view of US Patent 6,460,072 B1.

25. As to claim 8,(a) Fischer and Guidice fail to teach a program for allowing a customer to open an account. Arnold is cited to show the well know use of graphical user interface in a program. (Fig 5). It would have been obvious that the programs of Fisher and Guidice would contain the element of Graphical user interface as shown by Arnold.

26. (b) Fisher and Guidice fail to teach an automatic confirmation message response to account opening. Arnold teaches sending a confirmation for account sign up. (Fig. 3 Ref. 303-306; Fig 4 Ref. 407-410; C. 9 I. 15-17; I. 23-25). It would have been obvious to modify Fisher and Guidice to include the confirmation message of Arnold so the customer can access the confirmation for future reference.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

28. Foreign References:

a. GB 2,284, 910 Hannigan, an integrated electronic warehousing and distribution system.

Non-patent literature:

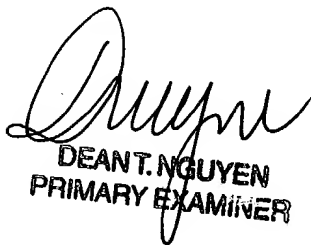
a. www.webopedia.com, an encyclopedia dedicated to computer terminology.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DEANT. NGUYEN
PRIMARY EXAMINER
7/23
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